IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5230 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

JAINTILAL NATHALAL MATHUKIYA

Appearance:

1. Special Civil Application No. 5230 of 2001
MR RV DESAI, AGP for Petitioners No. 1-3
MR ANSHIN H DESAI for Respondent No. 1

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 05/11/2001

ORAL JUDGEMENT

#. With the consent of the parties, the matter is taken up for final hearing today.

#. The State of Gujarat has challenged the interim order passed by the Labour Court, Junagadh dated 2.7.1999. By the said order, the Labour Court granted interim order in favour of the concerned workman and the department was directed not to terminate the services of the concerned workman and not to effect any change in the service conditions of the concerned workman. The aforesaid order is challenged in this petition by the State Government.

#. It is not in dispute that Complaint No.3 of 1999 is pending before the Labour Court, Junagadh. So instead of entertaining this matter at this stage, the Labour Court is directed to dispose of the main Complaint No.3 of 1999 on its own merits and in accordance with law on or before 31.1.2002. It is clarified that, this Court has not expressed any opinion on merits one way or the other as it is for the Labour Court to decide the said complaint on its own merits and in accordance with law. Mr.Desai argued that the complaint itself is not maintainable and the provisions of section 33-A are not attracted, and, therefore, the complaint was not maintainable. All these points are required to be decided by the Labour Court while deciding the main complaint itself.

#. In view of what is stated above, the petition is disposed of. Interim relief granted earlier stands vacated. Rule is discharged with no order as to costs. The writ of this order may be sent to the Labour Court forthwith for early disposal of the said complaint within the stipulated time as indicated above.

(P.B.Majmudar,J)
(pathan)